Raymond C. Lee III
City Administrator

(he/him) raymond.lee@portlandoregon.gov

City of Portland

Office of the
City Administrator
1221 SW 4th Ave. # 110
Portland, OR, 97204

@PortlandGov
PortlandORGov
@portlandgov

portland.gov

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ENTERED
Office of Chief Counsel
November 17, 2026
Part of
Public Record

November 16, 2026

Chairman Patrick J. Fuchs
Vice-Chair Michelle A. Schultz
Members Karen J. Hedlund and Richard J. Kloster
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423

RE: DOCKET FD 36873 Proposed merger between the Union Pacific (UP) and Norfolk Southern (NS) Railroads

Dear Chairman Fuchs, Vice-Chair Schultz, and Members Hedlund and Kloster:

The City of Portland, Oregon submits these Comments and Request for Conditions in the above-referenced proceeding concerning the proposed merger between Union Pacific ("UP") and Norfolk Southern ("NS"). Union Pacific owns and operates the main-line rail corridor running through the heart of Portland's Central Eastside, where fifteen at-grade crossings are regularly blocked by long freight trains, often for hours at a time.

Today the gates at these fifteen crossings are down for roughly three hours a day from freight traffic alone, the equivalent of closing this district's streets for about forty-six days a year. That is not a rush-hour nuisance; it is a standing tax on the time, safety, and livelihoods of everyone who lives, works, ships, or travels through the eastside. These blockages endanger pedestrians, cyclists, transit riders, motorists, and freight movements and have contributed to a documented record of serious crashes, including multiple fatalities. These blockages routinely sever emergency access across the Central Eastside, cutting fire and emergency responders off from the neighborhoods they serve.

The merger would make this worse. The Applicants project an increase of approximately 22 percent in operations at UP's Brooklyn Yard, which sits at the south end of this corridor. Translated into the terms residents and businesses experience, this would add forty minutes of gate-down time every day, roughly ten additional days a year.

The City of Portland is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, contact 311 (503-823-4000) for Relay Service & TTY: 711

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Translation and Interpretation:
503-823-4000 or 3-1-1

This transaction is not consistent with the public interest in Portland unless the Board conditions its approval on real relief for the city's Central Eastside, beginning with grade separations, at the corridor's most impacted crossings. Without conditions, the added traffic will fall on a corridor that is already unsafe and unreliable. The City asks the Board to condition any approval on measures that keep the merger from making these conditions worse.

Respectfully,

Raymond C. Lee III

Digitally signed by Raymond C. Lee III
Date: 2026.11.05 13:58:07 -08'00'

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BEFORE THE

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 36873

UNION PACIFIC CORPORATION AND

UNION PACIFIC RAILROAD COMPANY

- CONTROL -

NORFOLK SOUTHERN CORPORATION AND

NORFOLK SOUTHERN RAILWAY COMPANY

COMMENTS AND REQUEST FOR CONDITIONS

OF

THE CITY OF PORTLAND, OREGON

Communications with respect to this filing should be addressed to:

Jack Arriaga

Federal Relations Manager

Office of Government Relations

1120 SW 5th Ave, Portland, OR 97204

Portland, OR 97204

PBOT-STB@portlandoregon.gov

BACKGROUND

A. The City, the Central Eastside Corridor, and the City's Interest

The UP main line runs through Portland's Central Eastside between UP's Albina Yard to the north and Brooklyn Yard to the south. Within this corridor there are two main segments; the first is a half-mile segment that includes twelve crossings in very close proximity that crosses city streets including Stark, Washington, Alder, Morrison, Belmont, Yamhill, Taylor, Salmon, Main, Madison, Hawthorne, and Clay. The second segment comes about a half mile after Clay St and is three more crossings in close proximity at SE 8th, 11th, and 12th Avenues. The corridor is shared by UP freight trains, Amtrak (Cascades and Coast Starlight), BNSF, and Portland and Western (PNWR) operations. It also parallels and intersects TriMet's MAX light rail and FX bus rapid transit service.

Prior to UP's 1997 merger with Southern Pacific (SP), the two railroads operated separate intermodal facilities in Portland. UP operated an intermodal yard in Albina, while SP maintained operations at Brooklyn Yard. Following the merger, Brooklyn Yard remained largely dormant until 2012, when UP announced plans to consolidate its Portland intermodal operations there. As the operations ramped up, the limitations of the site became apparent.

Brooklyn Yard occupies approximately 87 acres in a dense mixed industrial and residential area, roughly two miles from the nearest interstate highway access. This small yard (compared to other North American intermodal yards) was not designed to accommodate the volume of truck traffic associated with a modern intermodal facility. Much of that traffic travels through nearby residential streets.

The yard also has significant physical constraints. The longest tracks within the yard are between 3,500 to 4,000 feet. Two mainline tracks run along the east side of the yard, with an additional lead track at its south end. Once or twice daily, an intermodal train of approximately 7,500 feet arrives into Brooklyn Yard. Because the available tracks are only about 4,000 feet long, the inbound train must be divided among multiple tracks. After Portland-bound traffic has been removed, UP assembles an outbound train by combining the inbound train with additional cars containing local intermodal traffic. The resulting trains can extend to roughly 15,000 feet in length.

During this assembly process, UP uses the mainline tracks north of the yard as part of its switching operation. As a result, three nearby at-grade crossings (SE 8th, SE 11th and SE 12th Avenues) are blocked for extended periods. The train assembly process, including the required switching movements of coupling four separate tracks routinely blocks these crossings for hours on end. Motorists regularly wait or get stuck for up to three hours.

The City has long documented the problems in this corridor. In its 2022 application to the Federal Railroad Administration's (FRA) Railroad Crossing Elimination Program, the Portland Bureau of Transportation (PBOT) compiled the federal, local, and operational data described below to demonstrate the need to study solutions for the fifteen Central Eastside crossings. After signing a grant agreement with the FRA in 2026, the City is beginning the Central Eastside Railroad Crossing Elimination Study (CERC), which is intended to identify potential closures, grade separations, and operational strategies to alleviate the impacts from UP's trains.

The data cited in these comments are drawn from that application and from public federal safety data; the study itself is only now beginning, and its findings are not yet available. The Applicants project substantial growth in this corridor before the City will have completed the work needed to identify and fund solutions.

B. The City's Documented Experience with Union Pacific Operations

The problems in this corridor are documented in federal safety data and in the record the City compiled for its FRA grant application:

- **Chronic multi-hour blockages.** Freight trains of up to three miles in length regularly block Central Eastside streets for multiple hours a day as they both travel through the area and as trains are assembled and switched at Brooklyn Yard, which itself sits within one mile of the SE 8th, 11th, and 12th Avenue crossings.

- **Growing blockages.** The crossing gates at 11th and 12th are down on average about three hours per day, the equivalent of about 46 days per year, with individual waits regularly up to three hours. The problem has spread north from SE 11th and 12th to regularly block SE 8th Avenue near the Oregon Rail Heritage Center and The Oregon Museum of Science and Industry (OMSI). UP's trains are now approximately 30 percent longer than they were in 2018, and Brooklyn Yard, at roughly 4,000 feet, is too short to assemble them without occupying the surrounding street crossings.
- **Crash history.** Per FRA Highway-Rail Grade Crossing Accident/Incident Reports, the fifteen study-area crossings experienced sixteen incidents between 2010 and 2026, resulting in six fatalities and additional injuries. These multi-track crossings are made more dangerous by the corridor's mix of slow freight, switching movements, and faster passenger trains, and by the chronic, hours-long freight blockages that have conditioned the public to distrust the warning gates, which routinely remain down for hours and often long after a train has cleared.
- **Emergency response.** The crossings most affected by blockages are the same streets the City relies on to move emergency responders. SE 8th, SE 11th, and SE 12th Avenues are all designated Major Emergency Response Streets in the City's Transportation System Plan, and the nearest Portland Fire & Rescue station for the Central Eastside sits immediately south of the UP mainline near SE 12th Avenue. With gates down roughly three hours per day, fire apparatus, paramedic units, and other responders are repeatedly cut off from the neighborhoods north of the tracks and forced onto out-of-direction detours that add critical minutes to response times.
- **Trapped vehicles and backups.** Blockages routinely trap vehicles and create long backups on SE 7th, 8th, 11th, and 12th Avenues and Division Street with no escape route. Backups from the at-grade crossings also reach west up the Water Avenue ramp and onto northbound I-5, creating dangerous speed differentials.
- **Economic costs.** With gates down roughly three hours per day and individual waits reaching multiple hours, the blockages cause lost time, missed deliveries, wasted fuel, and lost productivity for businesses in the surrounding industrial district and for everyone who travels through it. The National Academies of Sciences has described blocked-crossing delay as an economic externality, in which a railroad's operating choices shift costs onto the communities its trains pass through. The merger's projected increase in operations would add to these costs.
- **Transit and passenger rail delays.** The Federal Transit Administration (FTA)-funded FX Division bus rapid transit line crosses the corridor at SE 8th Avenue and has been repeatedly forced onto detours by blocked crossings since opening. TriMet now warns FX riders to expect delays caused by blocking freight trains, undercutting a federally funded bus rapid transit investment. The corridor also carries Amtrak Cascades and Coast Starlight service, whose reliability is regularly affected by freight operations and Brooklyn Yard switching.
- **Community concern.** A petition by Central Eastside residents and businesses calling on public agencies to address these blockages has grown to more than 1,200 signatures. The Central Eastside Industrial Council, the Hosford-Abernethy Neighborhood District, and the Brooklyn Action Corps are each participating in this proceeding.

THE PROPOSED MERGER WILL EXACERBATE THESE DOCUMENTED HARMS

The application projects that the transaction would increase intermodal operations at UP's Brooklyn Yard by approximately 22 percent. The Board's own Office of Environmental Analysis (OEA) reached the same conclusion from a different measure: its preliminary screening identified Brooklyn Yard as exceeding the Board's environmental analysis thresholds, driven by approximately 94 additional drayage trucks per day at that facility, a 21.7 percent increase, which exceeds the Board's threshold of 50 additional vehicles per day. Either way, the result is more trains, and in many cases longer trains, through a corridor that is already at capacity.

Adding volume to this corridor without infrastructure or operational changes to offset the impacts will increase the frequency and duration of blockages, the exposure of pedestrians and cyclists to stopped and moving trains, the delay to fire and medical responders forced onto out-of-direction detours, and the disruption to TriMet's FX, Line 70, and MAX service and to Amtrak service. The City's long-standing efforts to grow transit ridership, improve safety, and meet its climate and mode-share goals depend on this corridor working safely, and unmitigated growth in freight operations would set those efforts back.

The same main line carries Amtrak Cascades and Coast Starlight service, and UP's increasingly long trains already degrade passenger on-time performance. In 2025, customer on-time performance reached only 67.1 percent on Amtrak Cascades and 59.9 percent on the Coast Starlight, both well below the FRA's minimum standard of 80 percent.

The added volume would further strain passenger service at a time when the State is working to expand intercity passenger rail, including an increase from two to six daily round trips on the Portland-to-Eugene portion of the Cascades route. Federal law entitles Amtrak to dispatching preference over freight, but the host railroad controls dispatching in practice, and in 2025 UP had the most host-responsible delay minutes among the Class I railroads.

REQUEST FOR CONDITIONS

The City respectfully requests that the Board condition any approval of the proposed transaction on the Applicants' agreement to the following, with enforceable compliance mechanisms. The City has organized the requested conditions into six groups.

A. Infrastructure, funding, and corridor preservation

- **Full funding of grade separations and safety improvements.** Require the Applicants to fund grade separations at the corridor's most impacted vehicle crossings on the south end of the corridor (near SE 8th, 11th, & 12th Avenues) and a bicycle/pedestrian over-crossing at the north end (near SE Stark St), together with other crossing-eliminations and at-grade safety improvements along the corridor, consistent with the alternatives to be identified through the City's ongoing CERC Study. Full funding is appropriate because these costs result from the Applicants' operations, the merger would increase them, and the Applicants, not the public, would benefit from the added traffic.

B. Drayage, street, and neighborhood impacts of increased Brooklyn Yard activity

- **Street, intersection, and traffic-signal mitigation.** Require the Applicants to fund any street, intersection, and traffic-signal improvements necessary to mitigate the added drayage-truck traffic, including new or upgraded traffic signals and signal coordination, turn lanes, and freight-appropriate street-design treatments along the affected routes, together with treatments that protect people walking and biking where the added truck volumes heighten conflict.
- **Zero-emission drayage and yard-emissions mitigation.** Because the additional drayage trucks and the increased switching and idling at Brooklyn Yard will concentrate diesel emissions in a district ringed by residential neighborhoods, require the Applicants to fund mitigation of those emissions, including zero-emission vehicle charging or other alternative-fuel infrastructure at or near the yard, a zero-emission drayage transition fund scaled to the added truck volume, and idle-reduction measures within the yard.

C. Safety and emergency response

- **Emergency-access protections.** Require the Applicants to coordinate directly with Portland Fire & Rescue and other emergency responders and to provide real-time notification of blockages through the data feed described in the data-sharing condition below. The Applicants should not stand or stage trains across these crossings, and any blockage affecting an active emergency response should be subject to a defined maximum clearance time.

- **Fencing, channelization, and trespass prevention.** Require the Applicants to fund fencing, channelization, and related treatments along the right-of-way and at a majority of the crossings in the Central Eastside to deter trespassing and reduce pedestrian and bicycle exposure that the merger's additional train movements will heighten in this corridor.

D. Transit, passenger rail, and the local environment

- **Protection of transit and passenger rail, including dispatching priority.** Require the Applicants to maintain, and not degrade, existing transit and passenger operations affected by the corridor, including TriMet's FX bus rapid transit crossing at SE 8th Avenue, Line 70 bus and Orange Line MAX service, and Amtrak Cascades and Coast Starlight on-time performance on the shared main line, including a commitment to maintain dispatching priority for passenger service and to preserve capacity for planned passenger-rail expansion.
- **Noise and quiet-zone protection.** Train horns sound hundreds of times a day along the corridor, disrupting nearby residents, businesses, and workers. Require the Applicants to not degrade the existing quiet zone at the SE 8th, 11th, and 12th Avenue crossings and to fund quiet-zone-compliant improvements at additional crossings along the main line from Stark to Clay.
- **Corridor-specific and cumulative environmental review.** Require that the environmental review of the transaction specifically analyze local and corridor-level impacts in the Central Eastside, including cumulative and growth-induced effects, rather than only systemwide effects. The City has separately filed comments with the OEA in the environmental portion of this proceeding requesting analysis of these same corridor-level impacts.

E. Near-term and operational measures to reduce blockages

- **Relocation of switching, staging, and queuing.** Require the Applicants to identify and use locations outside the Central Eastside to stop, stage, and queue trains, so that trains are not held across the SE 8th, 11th, and 12th Avenue crossings or the Stark-to-Clay crossings except in genuine emergencies.
- **Near-term crossing protection and traveler information.** Because the merger-driven increase in operations will exacerbate blockages and delays before any grade separations can realistically be planned, engineered, funded, and built, the City requests that the Applicants fund near- and medium-term mitigation, such as active warning devices and vehicle gates at the SE 11th Avenue crossing so that approaching traffic is stopped at SE Division Street, before it enters the short block between Division and the tracks where no escape route exists. The City also requests that the Applicants fund dynamic message signs and real-time traveler-information systems, powered by the real-time crossing-occupancy data requested under the corridor data-sharing condition below, that warn of active blockages and direct travelers to alternate routes on the approaches to the most blocked crossings, including SE 7th, 8th, 11th, and 12th Avenues, SE Division Street, SE Powell Blvd, and the I-5 approach to the Central Eastside exit ramp.
- **No net increase in crossing blockages.** Require the Applicants to operate such that the merger does not increase the frequency or duration of blockages at the Central Eastside crossings above a pre-merger baseline established from the crossing-occupancy data, provided under the corridor data-sharing condition below, including reasonable limits on standing, staging, and switching movements that block these crossings.

F. Coordination, oversight, and enforcement

- **Corridor impact study and baseline.** Require the Applicants, working with the City, to conduct a corridor-specific study of the merger's projected effects on train frequency, length, and crossing-blockage duration at the fifteen Central Eastside crossings, against a documented pre-merger baseline.

- **Multi-year oversight, monitoring, and public reporting.** Establish a multi-year oversight period requiring the Applicants to file periodic public reports on blockage frequency and duration, crossing incidents, and the implementation and effectiveness of the conditions imposed.
- **Corridor data sharing.** Require the Applicants, at their expense, to provide the City a reliable, machine-readable data feed sufficient to support the safety, emergency-response, traveler-information, and compliance-verification purposes of these conditions. Data should include real-time crossing-occupancy and train-approach status at the Central Eastside crossings, advance notice of planned or extended crossing occupations, including switching, staging, and maintenance activities, and periodic reporting of drayage-truck volumes at Brooklyn Yard.

CONCLUSION

As stated above, the transaction is not consistent with the public interest in the Central Eastside unless the Board conditions its approval on mitigation, beginning with grade separations at the corridor's most impacted crossings.

The City asks the Board to ensure this transaction does not deepen a safety and mobility crisis in Portland's Central Eastside, where long freight trains block fifteen closely spaced crossings, cut fire and medical responders off from the neighborhoods north of the tracks, disrupt transit and passenger rail, and have contributed to fatal crashes.

The City requests that the Board hold one of its field hearings in Portland so that residents, businesses, and emergency responders affected by the Central Eastside crossings blockages can testify without traveling to Washington, D.C. The City also invites Board members and staff to tour the corridor to observe corridor conditions firsthand. City staff can arrange a venue and help organize both activities.

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Opening Comments to be served on the Secretary of Transportation, the Attorney General of the United States, Applicants' representatives, Administrative Law Judge Jenifer Soulikias, and all parties of record in this proceeding, Docket No. FD 36873 .

Signed,

Jack Arriaga

Jack Arriaga
Federal Relations Manager
Office of Government Relations
City of Portland, Oregon

Dated: November 17, 2026